1 2	JOSEPH P. RUSSONIELLO (CABN 44332) United States Attorney
3	BRIAN J. STRETCH (CABN 163973) Chief, Criminal Division
4	GARTH HIRE (CABN 187330) Assistant United States Attorney
5 6	1301 Clay Street, Suite 340-S Oakland, California 94612
7	Telephone: (510) 637-3929 Facsimile: (510) 637-3724
8	E-Mail: Garth.Hire@usdoj.gov Attorneys for the United States
9	Attorneys for the Office States
10	UNITED STATES DISTRICT COURT
11	NORTHERN DISTRICT OF CALIFORNIA
12	OAKLAND DIVISION
13	UNITED STATES OF AMERICA,) No. CR 08-00110 DLJ
14	Plaintiff,) UNITED STATES' INFORMATION FOR INCREASED PUNISHMENT BY
15	v.) REASON OF PRIOR FELONY DRUG CONVICTION UNDER 21 U.S.C. § 851
16	ANTIONE DEMETRIUS SMITH,)
17	Defendant.
18 19	INFORMATION
20	Pursuant to the provisions of 21 U.S.C. § 851, the United States Attorney files this
21	Information alleging that:
22	1. The defendant, Antione Demetrius Smith, was convicted on or about March 5, 1992,
23	in the Superior Court of California, County of Contra Costa, Case Number 913051-9, of a felony
24	violation of Section 11351.5 of the California Health and Safety Code, specifically, possession
25	for sale of rock cocaine. Attached as Exhibit 1 are court documents establishing this conviction.
26	2. Because of this prior felony drug conviction, the defendant is subject to
27	increased punishment pursuant to the provisions of 21 U.S.C. §§ 841(b)(1)(B) and 851
28	if he is convicted of the violation of 21 U.S.C. § 841(a)(1), possession with intent to distribute
ll ll	

crack cocaine, as charged in Count One of the Indictment filed on February 27, 2008, namely, a mandatory minimum 10-year term of imprisonment; a fine not to exceed \$4,000,000; and a mandatory minimum 8-year term of supervised release.

3. The United States Attorney hereby gives notice to the defendant and his counsel that if the defendant is convicted of Count One of the Indictment, the United States intends to rely on his prior felony drug conviction in seeking enhanced punishment at the time of sentencing pursuant to the provisions referenced herein.

JOSEPH P. RUSSONIELLO United States Attorney

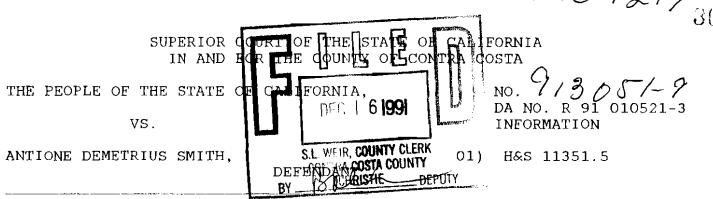
Dated: 4/3/08

Chief, Oakland Branch

(Approved as to form:

AUSA GARTH HIRE

EXHIBIT 1



In the Superior Court of the State of California, in and for the County of Contra Costa:

The District Attorney of the County of Contra Costa hereby accuses ANTIONE DEMETRIUS SMITH, defendant, of the crime of felony, to wit; violation of HEALTH & SAFETY CODE SECTION 11351.5 (POSSESSION FOR SALE OF ROCK COCAINE), committed as follows, to wit:

On or about June 26, 1991, at North Richmond, in Contra Costa County, the Defendant, ANTIONE DEMETRIUS SMITH, did wilfully, unlawfully and feloniously possess for sale cocaine base.

ENHANCEMENT PERSONALLY ARMED WITH FIREARM IN COMMISSION OF CONTROLLED SUBSTANCE OFFENSE

It is further alleged, pursuant to Penal Code section 12022(c), that in the commission of the offense of Health and Safety Code section 11351.5, as charged above, the Defendant, ANTIONE DEMETRIUS SMITH, was personally armed with a .357 magnum revolver, a firearm.

DATED: December 9, 1991

GARY T. YANCEY District Attorney

LAUREN WIXSON

Deputy District Attorney

LW:bp

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

Judge RICHARD PAISEI		15 " " " 101
Dept. No		
PEOPLE OF THE STATE OF CALIFORNIA		MAR 5 - 1992
Ys		S.L. WEIR County Clerk
ANTIONE DEMETRIUS SMITH, Defendant		Deputy
PRESENT:		
Deputy D.A. WILLIAM CLARK	Court Clerk	JUDY WEAVER
Deft. Atty. JEANNE SCHUMAN	Reporter	TRISH BISHOP
Dep. Prob. Off.	ACTION NO	913051-9
ORDER FO	R PROBATION	
The defendant is present. Defendant was convicted on _ () Guilty Plea () Court Decision of violation of: Health and Safety Code	() Jury Ver	dict (XX) Nolo Contendere

(Defendant entered a plea of Nolo Contendre to the PC 12022(c) enhancement

The Court, having read and considered the report of the Probation Officer, orders that defendant be admitted to probation and that the imposition of sentence be suspended for a period of three years from the date of this order, and the defendant shall comply with the following terms and conditions of probation:

1) Obey all laws and follow all orders of this Court.

Sale of Rock Cocaine) as charged in the Information.

- 2) Conduct yourself at all times in all respects according to the supervision requirements of the Probation Officer of Contra Costa County and report as directed.
- 3) Maintain an address with the Probation Officer where notice of any further proceedings may be mailed.
- 4) Not change place of residence nor leave the State of California without written permission of the Probation Officer.
- 5) Seek and maintain employment as directed by the Probation Officer, and notify the Probation Officer of any change in employment status.
- 6) Upon termination of any period of confinement in the County Jail, continue under the supervision of the Probation Officer.
- 7) If confined in the County Jail, receive one day credit for each two week period of satisfactory participation in authorized jail programs.
- 8) Not own, have in possession or under custody and control any handgun, rifle, shotgun, or other firearm whatsoever or any weapon capable of being concealed upon your person.
- 9) If arrested, use your own true name, address, date of birth and report the arrest, in writing, to the Probation Officer within five days of such arrest.

40

	91_3051-9
	(ACTION NO.)
	<u>ANTIONE DEMETRIUS SMITH</u>
_	(DEFENDANT)
	T IS FURTHER ORDERED THAT DEFENDANT SHALL:
(^) Be imprisoned in the Contra Costa County Jail for 120 days, commencing ** with credit for 4
,	for time already confined on this charge and report to the Probation Officer within five days of your release from custody.
) Said sentence to be served under the Contra Costa County Sheriff's Work Alternative Program.
_) Report to the Work Furlough Center, 847 Brookside Drive, Richmond, Ca. no later thanp.m. on
•) Remain in custody in the Contra Costa County Jail pending a possible release by the Probation Officer directly to a residential treatment program and that the balance of any remaining jail sentence be suspended.
() Not receive any jail time credit for time spent at a residential treatment program in the event of a probation violation
	and/or commitment to the California Department of Corrections.
) Not be eligible for parole.
) Have probation terminated upon release from custody.
() Make restitution through the Probation Officer in the sum of \$or in an amount and manner determined by
4.	Probation Officer.
Ŋ.) Pay a fine + assessments totaling \$ Code:; pay a restitution fine (per 13976 G.C.) of \$100.00
	all payable through the Probation Officer; () at the rate of \$per month; (x) at a rate and manner as
,	directed by the Probation Officer.
K) Pay a laboratory analysis fee (per 11372.5 H&S) of \$50.00 and a drug education fee (per 11372.7 H&S) of \$100.00
	through the Probation Officer and at a rate and manner as directed by the Probation Officer.
K) Participate in an extraction and the property of the propert
	terminates nontentively than a such amount with the transformental following following the captures and a received by the following following the content of
,	real year of the control of the cont
(Report to Post Conviction Drinking Driver's Program within 10 days of your release from custody and comply with its rules a
	fee requirements. (Take completed DL-103 form to DMV within 30 days of release from custody)
) Register pursuant to () Penal Code Section 290; (χ) Health and Safety Code Section 11590; ()Penal Code Section 457
() Abstain from the use of alcoholic beverages.
() Not enter any place wherein the consumption of alcoholic beverages is the primary source of business.
K) Not use, possess, or have under control, dangerous drugs, narcotics, or narcotic paraphernalia without a prescription from
	duly licensed physician.
ĺχ.) Submit to drug, alcohol detection tests as directed by the Probation Officer.
(x) Submit your person, place of residence, storage locker, any personal property, and any vehicle under your control to searc
	and seizure by any Peace Officer at any time of the day or night.
() Make available for inspection by the Probation Officer all personal and/or business financial records.
() Not maintain a checking account or have any checks in possession except payroll or business checks payable to yourself.
() Not maintain any charge accounts; nor have any credit card in possession, control or custody.
(Not associate with any individuals designated in writing by the Probation Officer.
(Driving privilege () suspended; () revoked for
(Not drive without a license.
(Not drive a motor vehicle with any measurable amount of alcohol in blood.
() If again arrested for 23152 or 23153 CVC, not refuse the test for the detection of drugs or alcohol.
(When again licensed to drive a motor vehicle, maintain ability to respond to damages pursuant to Section 16020 CVC.
	x) Defendant to report to his probation officer within 5 days.
	DDITIONAL CONDITIONS:
)e i	fendant to apply for Sheriff's Electronic Home Detention Program and to
	nterview the week of March 19, 1992. Defendant to comply with Sheriff's or
	THER COURT ORDERS:
	That the defendant pay for the cost of Probation Services as determined by the Probation Officer, not to exceed \$25 per mon
	If convicted for a Health and Safety Code violation, pay for the cost of drug testing, as determined by the Probation Offic
•	not to exceed \$5.00 per month.
	HOLE TO EXCEED \$5,00 per months.
De f	endant is released on Probation (x) ; Remanded (); Bail is exoperated ()
ושע	endant is released on Probation (χ) ; Remanded (); Bail is exoperated ()
	W - A - A - A - A - A - A - A - A - A -
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υđ	ited March 5, 1992 " " " " " " " " " " " " " " " " " "

(See other side)

38

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA

Date	March 5, 1992			Dept .	13
Hon.	RICHARD PATSEY	Judge	JUDY WEA	VER	Court Clerk
			TRISH BI	CIIOD	Reporter
		<u> </u>			
			PRESENT:		
PEOPL	E OF THE STATE OF CALIFORNIA		•		AM CLARK
	vs.		Dep. Pub. Def.	JEANNI	E SCHUMAN
ANT	IONE DEMETRIUS SMITH,		Deft. Atty		
	,	Defendant	Dep. Prob. Off		
NATUI	RE OF PROCEEDINGS:	WITHDRAW NO	T GUILTY PLEA	Action	No913051-9
eviden	dant is present. Defendant is advised ice, to confront and cross-examine quences of a guilty plea.	d of his constitu witnesses, and	tional rights and wai Lagainst self-incrimi	ves rights to a tri nation. Defenda	al by jury, to present nt is advised of the
Hea Coc The	nment, defendant enters a plea of & 1th and Safety Code Secaine) as charged in the defendant enters a ple suant to Penal Code Sec	tion 11351 Information	.5 (Possession on. Contendre to t	for Sale (of Rock
	Defendant		<i>(</i> -)		
()		•			
()	The Court enters denial of said pr Defendant	• •			
()	The Court enters denial of prior(s)				
()	The Court Orders prior(s)				
()	Count(s)				
()	Defendent is informed of				
()			·	rigints and waive	s time for semence.
()	Referred to Probation Officer for in Defendant waives referral to Prob	-	•		
(x)	report for purposes of sentencing.	. Onicar an	a consents to use or		
()	Continued to		at		for pronouncement
(×)	of judgment. Defendant requests immediate se why judgment should not now be	ntencing; waive pronounced (SE	s formal arraignment E ORDER/ABSTRAC	for judgment and TEXECUTED TH	d has no legal cause IS DATE)
()	Trial date ofMarch 2.				
x	,				
Defen	dant is () released on bail	() relea	sed on O.R.	() remande	d.
O.T.C.	DUENT MEID C. C.		D.,	MDa	497
SIE	PHEN L. WEIR, County Clerk		By	JTY COUNTY CLERK (COUR	T CLERK)

CRIMINAL MINUTES WITHDRAW NOT GUILTY PLEA

CRIS

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA

Date: June 8, 1993

Department 13

HON. RICHARD L. PATSEY

Judy Weaver, Court Clerk

Warren Rupf, Sheriff

Trish Bishop, CSR

Present:

PEOPLE OF THE STATE OF CALIFORNIA

Dep DA, Mary Knox

VS.

ANTIONE DEMETRIUS SMITH,

Dep PD, Jeffrey Bradley

Defendant

Dep PO, Julie Bulger

NO. 913051~9 CII NO. A08 580 358

PROBATION HEARING COMMITMENT TO STATE PRISON

The Defendant is present.

People's exhibit 1 is received in evidence - Police Reports.

Defendant's exhibit A is received in evidence - Lease.

Defendant Antione Dmetrius Smith is sworn and testifies.

The Court denies the Defendant's request to continue hearing.

Both sides rest.

Counsel argue and the matter is submitted.

Court finds the Defendant has violated the terms and conditions of probation and confirms the order revoking probation dated April 30, 1993.

The Defendant waives formal arraignment for judgment and has no legal cause why judgment should not now be pronounced.

On March 5, 1992, the Defendant entered a plea of No Contest to violation of Health & Safety Code Section 11351.5 as charged in the Information.

The Court then suspended imposition of the sentence and placed the Defendant on probation for Three years.

The Court, having confirmed the order revoking probation, now orders that the Commitment to the Department of Corrections be implemented as follows:

That the Defendant be committed to the Department of Corrections for the total fixed term of THREE years:

Count One - mitigated term of three years (H&S 11351.5 -Possession for Sale of Rock Cocaine) Enhancement - imposed & stricken (PC 12022(c)

PEOPLE VS. ANTIONE DEMETRIUS SMITH

DOCKET NO.: 913051-9

PROBATION HEARING/COMMITMENT TO STATE PRISON

DATE: June 8, 1993

PAGE Two

The Court grants the Defendant credit for time already served of 120 days plus good time credit of 60 days for a total credit for time already served of 180 days.

The Defendant is advised of the conditions of parole.

The Defendant is remanded.

STEPHEN L. WEIR, COUNTY CLERK

Judy Weaver, Deputy Clerk

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Effective April 1, 1990

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4:06-cr-00189-SBA USA v. Johnson et al E-Filing

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Case Name:

USA v. Johnson et al

Case Number:

4:06-cr-189

Filer:

USA

Document Number: 345

Docket Text:

INFORMATION TO ESTABLISH PRIOR CONVICTION as to Antoine Demetrius Smith (Hire, Garth) (Filed on 2/4/2008)

4:06-cr-189-7 Notice has been electronically mailed to:

Erik G. Babcock erik@babcocklawoffice.com

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Juliana Drous jdrous@msn.com

Geri Lynn Green gerigreen@earthlink.net Geoffrey A. Hansen geoffrey_hansen@fd.org, amy_lucas@fd.org, dawn_russell@fd.org

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Doron Weinberg doronweinberg@aol.com, littlredhd@aol.com

4:06-cr-189-7 Notice has been delivered by other means to:

William DuBois 1611 Telegraph Ave. Suite 1100 Oakland, CA 94612

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename:N:\kturner\Garth Hire\US v Smith CR 06 00189 SBA Increased Punishment by Reason of Prior Felony Drugpdf.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/4/2008] [FileNumber=4107735-0] [1001896b8e4a83d33f68599fc6374348751d265134966a6570bfb0a66e5faa4c66c6cf d1bcb53f48c90fde57adf599ce01e454ee9c2530997cfc825a1ff012e9]]